



NOTICE OF PREPARATION

SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

976 OSOS STREET • ROOM 200 • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

Promoting the Wise Use of Land • Helping to Build Great Communities

DATE: January 20, 2010

FROM: Department of Planning and Building
976 Osos St., Room 300
San Luis Obispo, CA 93408-2040
Attn: Bill Robeson, Project Manager

SUBJECT: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE COUNTY OF SAN LUIS OBISPO – AGRICULTURAL CLUSTER SUBDIVISION AND DENSITY PROGRAM, INVOLVING REVISIONS TO THE LAND USE ORDINANCE, COASTAL ZONE LAND USE ORDINANCE, AND AGRICULTURE ELEMENT OF THE GENERAL PLAN.

The County of San Luis Obispo will be the Lead Agency and will prepare an Environmental Impact Report for the above-referenced project. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the Environmental Impact Report prepared by our agency when considering your permit or other approval for the project.

PLEASE provide us the following information at your earliest convenience, but not later than the 30-day comment period, which began with your agency's receipt of the Notice of Preparation (NOP).

1. **NAME OF CONTACT PERSON.** Bill Robeson – (805) 781-5607
976 Osos Street, Room 300
San Luis Obispo, CA 93408
2. **PERMIT(S) or APPROVAL(S) AUTHORITY.** Please provide a summary description of these and send a copy of the relevant sections of legislation, regulatory guidance, etc.
3. **ENVIRONMENTAL INFORMATION.** What environmental information must be addressed in the Environmental Impact Report to enable your agency to use this documentation as a basis for your permit issuance or approval?

4. **PERMIT STIPULATIONS/CONDITIONS.** Please provide a list and description of standard stipulations (conditions) that your agency will apply to features of this project. Are there others that have a high likelihood of application to a permit or approval for this project? If so, please list and describe.
5. **ALTERNATIVES.** What alternatives does your agency recommend be analyzed in equivalent level of detail with those listed above?
6. **REASONABLY FORESEEABLE PROJECTS, PROGRAMS or PLANS.** Please name any future project, programs or plans that you think may have an overlapping influence with the project as proposed.
7. **RELEVANT INFORMATION.** Please provide references for any available, appropriate documentation you believe may be useful to the county in preparing the Environmental Impact Report. Reference to and/or inclusion of such documents in an electronic format would be appreciated.
8. **FURTHER COMMENTS.** Please provide any further comments or information that will help the county to scope the document and determine the appropriate level of environmental assessment.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 30 days after receipt of this notice.

Please send your response by February 19, 2010 to Bill Robeson at the following address:

Bill Robeson, Senior Planner
Department of Planning and Building
County Government Center, Room 300
San Luis Obispo, CA 93408

PROJECT TITLE: Agricultural Cluster Subdivision Revisions – LRP2008-00010

PROJECT APPLICANT: County of San Luis Obispo

Signature: _____

Bill Robeson

Bill Robeson

Telephone: (805) 781-5607

Email: brobeson@co.slo.ca.us

Reference: California Code of Regulations, Title 14, Section 15082.

COUNTY OF SAN LUIS OBISPO
NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

**AGRICULTURAL CLUSTER SUBDIVISION AND DENSITY PROGRAM,
INVOLVING AMENDMENTS TO THE AGRICULTURE ELEMENT, LAND
USE ORDINANCE, AND COASTAL ZONE LAND USE ORDINANCE**

1. PROJECT OBJECTIVES

The County has identified the following project objectives:

- **Reduce environmental impacts.** Reduce environmental impacts associated with agricultural cluster subdivisions and protect lands for continued and enhanced agricultural production.
- **Reduce vehicle miles traveled.** Reduce greenhouse gas emissions and other impacts associated with increased residential development in rural areas far removed from commercial services and employment centers.
- **Implement strategic growth policies.** Improve consistency between agricultural cluster ordinance standards and the Strategic Growth policies of the County Land Use Element, which discourage increased residential development outside of established urban reserve areas.
- **Ensure internal consistency.** Ensure consistency between ordinance standards and the County Agriculture Element.
- **Introduce program to the Coastal Zone.** Add the agricultural cluster subdivision program to the Coastal Zone.
- **Cluster development.** Encourage clustering of small, self-sustaining parcels and the long-term preservation of agricultural resources.
- **Avoid land use conflicts.** Minimize land use conflicts between residential development and existing and future agricultural operations.
- **Protect and enhance agricultural production.** Protect lands for continued and enhanced agricultural production.

2. PROJECT LOCATION

The Agricultural Cluster Subdivision and Density Program will apply to all of the unincorporated areas of the County of San Luis Obispo. Specifically, the program will affect properties within the Agriculture and Rural Lands land use categories, as identified in the General Plan. It does not affect the incorporated cities.

3. PROJECT DESCRIPTION

The proposed project consists of amendments to Titles 22 and 23 of the County Code (Land Use Ordinance and Coastal Zone Land Use Ordinance), Coastal Plan Policies, and the North Coast Area Plan.

Amendments to the Land Use Ordinance (Title 22)

The Land Use Ordinance (LUO), Title 22 of the County Code, is the primary ordinance concerning land use in the inland portion of the County. The following amendments are proposed to the Land Use Ordinance:

- **Reduce residential density on existing agricultural parcels.** Removing LUO Section 22.30.480A, which allows two primary dwellings on parcels in the Agriculture land use category that are larger than 20 acres.
- **Eliminate the distinction between major and minor clusters.** Combining the Major Agricultural Cluster Ordinance (LUO Section 22.22.152) and Minor Agricultural Cluster Ordinance (LUO Section 22.22.154) into a single ordinance (LUO Section 22.22.150) with one set of standards for all eligible properties.
- **Eliminate agricultural cluster subdivision as an option in Rural Lands.** Allowing the agricultural cluster program to be used only in the Agriculture land use category.
- **Allow clusters only within 2 miles of urban areas.** Modifying agricultural cluster eligibility criteria to include only parcels within the Agriculture land use category that are within two miles of the Urban Reserve Line (URLs) of Arroyo Grande, Atascadero, San Luis Obispo, San Miguel, Nipomo, and Paso Robles.
- **Eliminate the density bonus.** Modifying the method for calculating the allowable number of residential cluster parcels and eliminating the residential density bonus.
- **Increase the minimum cluster parcel size.** Establishing a 2.5 acre minimum size for residential cluster parcels, which would allow each cluster parcel to accommodate individual on-site well and septic systems.
- **Add design standards.** Adding various site design and development standards to reduce impacts associated with agricultural cluster subdivisions and to protect agricultural lands. Some examples of design provisions include the following:
 - Requiring that cluster lots be physically contiguous to each other.
 - Requiring that clusters be located in a single cluster area (or up to two if environmental conditions warrant this).
 - Clarifying that roads and other residential infrastructure be counted towards the 5 percent developable area.
- **Add application requirements.** Modifying and expanding application content requirements.
- **Clarify agricultural buffer requirements.** Establish that required agricultural buffers be located on the residential parcels, consistent with the County's agricultural buffer policy.

- **Update section references.** Updating section references throughout.

Amendments to the Coastal Zone Land Use Ordinance (Title 23)

The Coastal Zone Land Use Ordinance (CZLUO), Title 23 of the County Code, is the primary ordinance concerning land use in the coastal portion of the County. The CZLUO is one component of the County's Local Coastal Program (LCP), which has been certified by the California Coastal Commission. The proposed project would add a new section to Chapter 23.04, which would allow for agricultural lands clustering in the Coastal Zone. This new section would be consistent with the proposed amendments to Title 22; however, the maximum allowed number of residential cluster parcels would be limited to the number of existing underlying lots.

Amendments to the Agriculture Element of the County General Plan

The following amendments are proposed to Chapter 2 of the Agriculture Element of the County General Plan:

- Modifying *Agriculture Policy 5: Residential Density* to specify that agricultural parcels are allowed one primary residence.
- Modifying *Agriculture Policy 20: Agricultural Land Divisions* to specify that the creation of residentially sized parcels and the bonus agricultural parcel provide an incentive to landowners to choose the cluster approach as an alternative to a conventional subdivision.
- Modifying *Agriculture Policy 22: Major Agricultural Cluster Projects* to achieve consistency between the Agriculture Element and Agricultural Lands Clustering Ordinance.
- Eliminating *Agriculture Policy 23: Minor Agricultural Cluster Projects*.
- Updating section references throughout.

ISSUES TO BE DISCUSSED IN THE EIR

Section 1: The EIR Document

The proposed Agricultural Cluster Subdivision and Density Program will be evaluated through a Program EIR approach, which may function as a first tier for subsequent environmental documents. The issues described below shall be addressed in the EIR. All previous environmental work shall be incorporated as appropriate.

Environmental Setting: The environmental setting section shall include, but not necessarily be limited to, discussion of the physical setting, existing land uses, existing policies already part of the Agriculture Element, Land Use Ordinance, and Coastal Zone Land Use Ordinance, and applicable policies and plans.

Structure: The EIR shall include an analysis of the Agriculture Cluster Subdivision and Density Program. The analysis shall assess all elements and issue areas that are required by CEQA including (but not limited to) the resources identified below:

- A. Agricultural Resources
- B. Air Quality
- C. Biological Resources

- D. Cultural Resources
- E. Geologic Hazards
- F. Hydrology and Water Quality
- G. Noise
- H. Public Services
- I. Traffic
- J. Visual Resources
- K. Water Resources

Section 2: Areas of Focus

There are a number of key issues related to the project which may result in potentially significant impacts and will be addressed in greater detail, including the following:

- A. Conflicts between agricultural and residential development.
- B. Preservation of agricultural land.
- C. Conversion of agricultural land to residential development.
- D. Agricultural viability.
- E. Greenhouse gas emissions.
- F. Consistency with the Clean Air Plan.
- G. Effects on biological resources, including sensitive plants, wildlife, and wildlife corridors.
- H. Effects on cultural resources, including pre-historic, historic, and paleontological resources.
- I. Erosion, sedimentation, drainage, and hydromodification impacts.
- J. Development in areas with geologic hazards, including areas prone to landslide or liquefaction and areas with seismic hazards.
- K. Effects on public services and utilities.
- L. Fire safety, including response time, fire hazard severity, and wildland/urban interface issues.
- M. Traffic and transportation-related impacts.
- N. Water availability and quality.
- O. Consistency with the County General Plan.

Section 3: Alternatives

Discussion and evaluation of project alternatives shall include, but not necessarily be limited to, the following:

No Project Alternative. Include an initial assessment of the impact(s) that may occur if the County did not adopt the proposed Agricultural Cluster Subdivision and Density Program. This analysis shall discuss the loss of potential benefits, as well as the potentially significant and insignificant adverse impacts that may be avoided.

Alternative Projects. After considering the existing information sources that are available, such as the existing county documents (see below - Section 3: Background Information), existing ordinance requirements and other pertinent information, project alternatives shall be prepared and considered. The alternatives analysis shall analyze a reasonable range of alternatives. As part of this analysis, possible strategies shall be considered that might reduce or eliminate the impacts that could result from County adoption/implementation of the Agricultural Cluster Subdivision and Density Program. The project alternatives shall be evaluated for their adverse and beneficial impacts. These alternatives would incorporate any combination of components from project, plus any additional components that the County identifies.

Section 4: Background Information

The following materials and documents contain information and standards applicable to the project. All of the documents are available at the County's Planning Department / Environmental Division, and should be reviewed:

- A. County of San Luis Obispo Framework for Planning (both Inland and Coastal Zone).
- B. County of San Luis Obispo General Plan (both Inland and Coastal Zone).
 - i. Agriculture & Open Space Element
 - ii. Coastal Plan Policies
 - iii. Conservation Element (once adopted)
 - iv. Economic Element
 - v. Housing Element
 - vi. Noise Element
 - vii. Parks & Recreation Element; and
 - viii. Safety Element.
- C. County of San Luis Obispo Land Use and Circulation Element (both Inland and Coastal Zone).
- D. County of San Luis Obispo Land Use Ordinance (both Inland and Coastal Zone).
- E. Resource Management System Annual Summary Report